4th April 1950]

APPENDIX II.

[Vide item IV (3) at page 656 supra.]

L.A. BILL No. 6 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras Co-operative Land Mortgage Banks Act, 1934.

Madras Act X of 1934. WHEREAS it is expedient further to amend the Madras Co-operative Land Mortgage Banks Act, 1934, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title. **1.** This Act may be called the Madras Co-operative Land Mortgage Banks (Amendment) Act, 1950.

Madras Act X of 1934. Amendment of section 4, Madras Act X of 1934. **2.** In section 4 of the Madras Co-operative Land Mortgage Banks Act, 1934 (hereinafter referred to as the said Act)—

(i) in sub-section (1), clause (*a*), after the word "transferred", the words, figures and letter "or deemed under the provisions of section 23-A to have been transferred" shall be inserted ;

(ii) in sub-section (2), for the portion commencing with the words "the total amount due on the mortgages" and ending with the words "subsisting at that time", the following shall be substituted, namely :—

"the aggregate of (*a*) the amounts due on the mortgages, and the value of the other assets, transferred or deemed under the provisions of section 23-A to have been transferred by the mortgage banks to the Central Mortgage Bank and subsisting at such time and (*b*) the amounts paid under the mortgages aforesaid and remaining in the hands of the Board or of the Trustee at that time".

Amendment of section 5 Madras Act X of 1934. **3.** In section 5 of the said Act, after the word "transferred" in the second sentence, the words, figures and letter "or deemed under the provisions of section 23-A to have been transferred" shall be inserted.

Insertion of new section in Madras Act X of 1934. **4.** In Chapter V of the said Act, before section 24, the following section shall be inserted, namely :—

Mortgages executed in favour of mortgage bank, etc., to stand vested in Central Mortgage Bank. "23-A. The mortgages executed in favour of, and all other assets transferred to, a mortgage bank by the members thereof shall, with effect from the date of such execution or transfer, be deemed to have been transferred by such mortgage bank to the Central Mortgage Bank."

[4th April 1950

Amendment of section 31, Madras Act X of 1934.

5. In section 31 of the said Act, for the words "Notwithstanding the transfer of a mortgage by a mortgage bank to the Central Mortgage Bank", the words, figures and letter "Notwithstanding that a mortgage executed in favour of a mortgage bank has been transferred, or is deemed under the provisions of section 23-A to have been transferred, to the Central Mortgage Bank" shall be substituted.

Substitution of new section for section 32, Madras Act X of 1934.

6. For section 32 of the said Act, the following section shall be substituted, namely :—

Special provisions for mortgages executed by managers of joint Hindu families, karnavans of Marumakkattayam tarwards or tavazhis or of Nambudri illoms, etc.

"32. (1) Where a mortgage executed in favour of a mortgage bank either before or after the passing of this Act is called in question on the ground that it was executed, by the manager of a joint Hindu family or the karnavan of a Marumakkattayam tarwad or tavazhi or of a Nambudiri illom, or the manager of a Thiyya or Ezhava family, or the ejaman or ejamanthi of an Aliyasantana family, for a purpose not binding on the members thereof, whether majors or minors, the burden of proving the same shall, notwithstanding any law to the contrary, be on the party raising it.

(2) A mortgage executed in favour of a mortgage bank by the manager of a joint Hindu family or the karnavan of a Marumakkattayam tarwad or tavazhi or of a Nambudri illom or the Manager of a Thiyya or Ezhava family or the ejaman or ejamanthi of an Aliyasantana family shall be binding on the members thereof, whether majors or minors, if the loan secured by the mortgage was granted for any of the following purposes, namely :—

(*a*) the improvement of agricultural land or of the methods of cultivation ; and

(*b*) the purchase of land."

Insertion of new section 32-A, Madras Act X of 1934.

7. After section 32 of the said Act, the following section shall be inserted, namely :—

Special provisons for mortgages by tenants in Malabar.

"32-A. Where a tenant in the district of Malabar mortgages his holding in favour of a mortgage bank, the following provisions shall apply so long as the mortgage subsists, notwithstanding anything to the contrary contained in the Malabar Tenancy Act, 1929, or in the Malabar Compensation for Tenants Improvements Act, 1899 :—

Madras Act XIV of 1930.

Madras Act I of 1900.

(1) Both before and after granting the loan secured by the mortgage, the mortgage bank shall give notice in writing to the landlord of the tenant, and if such landlord is himself the tenant of another landlord, also to that landlord, and likewise to every superior landlord from whom interest in the holding is derived, up to and including the janmi.

4th April 1950]

(2) Every landlord to whom notice is given under clause (1) shall give not less than fifteen days' notice in writing to the mortgage bank before instituting a suit for bringing the holding of his tenant (whether such tenant be the mortgagor or a superior landlord) to sale for default in payment of rent or michavaram or for evicting such tenant from the holding.

(3) The tenant who has mortgaged the holding to the mortgage bank shall not, except with the previous permission of the bank, surrender his holding or any part thereof to his landlord or deal with it in any other manner, and no such transaction entered into by the tenant without such permission shall affect in any way the interest of the bank in the holding.

(4) In a suit for eviction instituted against the tenant who has mortgaged the holding to the mortgage bank, the bank shall, on application to the court in which the suit is instituted, be entitled to be paid out of the amount of compensation, if any, deposited in court under sub-section (1), (2) or (3) of section 6 of the Malabar Compensation for Tenants Improvements Act, 1899, the moneys due to the bank under the mortgage.

Madras Act I of 1900.

(5) If, on the expiry of the tenancy of the tenant who has mortgaged the holding to the mortgage bank, the tenant does not renew the tenancy, the bank shall be entitled to obtain a renewal of the tenancy on behalf of the tenant and any renewal fee paid by the bank shall be added to the principal money due under the mortgage.

(6) If the tenant who has mortgaged the holding to the mortgage bank makes default in the payment of any rent or michavaram due to his landlord, the bank shall be entitled to pay the same to the landlord and the amount so paid shall be added to the principal money due under the mortgage.

Explanation.—In so far as the rent or michavaram is payable in kind, the mortgage bank shall have the right to pay the value thereof calculated in accordance with sub-section (2) of section 51 of the Malabar Tenancy Act, 1929.

Madras Act XIV of 1930.

(7) Where the mortgage bank pays any renewal fee, rent or michavaram under sub-section (5) of section (6), it shall be entitled to regard the whole of the mortgage money as having become payable and, after giving a reasonable opportunity to the tenant to repay the whole of the said money or such portion thereof as may be determined by the bank, to bring the holding to sale under the provisions of Chapter IV of this Act.

[4th April 1950

Explanation.—In this section, the expressions 'tenant', 'holding', 'landlord', 'janmi', 'rent', 'michavaram', 'renewal' and 'renewal fee' shall have the same meaning as in the Malabar Tenancy Act, 1929." Madras Act XIV of 1930.

Amendment of section 38, Madras Act X of 1934.

8. In section 38, clause (*c*), of the said Act, after the word "transferred", the words, figures and letter "or deemed under the provisions of section 23-A to have been transferred" shall be inserted.

APPENDIX III.

[Vide item IV (4) at page 659 supra.]

L.A. BILL No. 8 OF 1950.

(As passed by the Assembly.)

A Bill further to amend the Madras Proprietary Estates' Village Service Act, 1894, *and the Madras Hereditary Village Offices Act,* 1895.

WHEREAS it is expedient further to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Madras Hereditary Village-offices Act, 1895, for the purposes hereinafter appearing; It is hereby enacted as follows:— Madras Act II of 1894. Madras Act III of 1895.

Short title.

1. This Act may be called the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1950.

Amendment of Madras Act II of 1894.

2. In the Madras Proprietary Estates' Village Service Act, 1894— Madras Act II of 1894.

(1) in section 10, sub-section (1), clause (ii), after sub-clause (*e*), the following sub-clause shall be added, namely:—

"(*f*) has been dismissed from any post under the Government on any ground which the Revenue-officer in charge of the division or the District Collector considers sufficient to disqualify him for holding the office.";

(2) in section 11, sub-section (1), for the words, brackets and letters "sub-clauses (*c*) and (*e*)" the words, brackets and letters "sub-clauses (*c*), (*e*) and (*f*)" shall be substituted.

Amendment of Madras Act III of 1895.

3. In the Madras Hereditary Village-offices Act, 1895, in section 10, sub-section (1), clause (ii), after sub-clause (*e*), the following sub-clause shall be added, namely:— Madras Ac. III of 1895.

"(*f*) has been dismissed from any post under the Government on any ground which the Collector considers sufficient to disqualify him for holding the office."